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SECRETARY OF THE STATE
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- PRESS RELEASE -

BYSIEWICZ AND BLUMENTHAL REQUEST U.S. SECRETARY OF VETERANS AFFAIRS GRANT ELECTIONS OFFICIALS ACCESS TO VETERANS FACILITIES

SECRETARY OF THE STATE AND ATTORNEY GENERAL WANT RESPONSE AND
CLEAR GUIDELINES WITHIN 10 DAYS

HARTFORD: In response to a federal directive prohibiting voter registration drives among veterans living at federally funded nursing homes, rehabilitation centers and shelters for homeless veterans, Secretary of the State Susan Bysiewicz and Attorney General Richard Blumenthal, have written to Secretary of Veterans Affairs James B. Peake to request that Secretary Bysiewicz and elections officials be granted access to the facilities for the purposes of distributing voter registration materials and instructing residents on the use of newly-implemented voting machines.

“The Secretary of the State was recently blocked from access by local Veterans Health Administration (VHA) officials, who have subsequently stated that the request remains under review,” wrote Blumenthal and Bysiewicz. “We seek your timely assurance within the next 10 days that the Secretary’s request and other similar requests by state and local election officials will be granted. Also, as this episode demonstrates, the VHA must clarify its policy to ensure that election officials across the country be permitted to assist our nation’s heroes in exercising the very democratic rights that they have sacrificed so much to preserve.”

“The Directive should not be construed to bar nonpartisan voter registration and education activities conducted by state and local election officials in furtherance of their official duties, which pose no significant risk of partisanship, disruption or violation of

the Hatch Act,” Blumenthal and Bysiewicz continued. “To prohibit such access would be detrimental to both veterans and the state and local election officials who seek to assist them, while serving no valid institutional objectives of the VHA.”

“We respectfully request that you instruct officials with responsibility for the administration of VHA facilities located in Connecticut that they immediately grant the Secretary’s request so that she may provide assistance to veterans without further delay.”

Yesterday, Secretary Bysiewicz was joined by Attorney General Blumenthal, veterans and veteran’s advocates at the Veterans Affairs Hospital in West Haven to blast the policy, register veterans to vote, and distribute information on the state’s new voting machines at the facility. Sec. Bysiewicz was able to register 12 veterans to vote outside the facility Monday afternoon.

“Time is of the essence, we have just 124 days until the most important national election in a generation,” added Secretary Bysiewicz, “Our veterans have fought so hard for our country and sacrificed a great deal to preserve our democracy. They deserve a fair chance to be educated about our new voting technology and to get help registering to vote, so their voices can also be heard in November.”

Attorney General Richard Blumenthal added, “The VA must act clearly and promptly to cut the confusion that it has created. There is grave danger that veterans may be discouraged or deterred from rights that they fought and sacrificed to defend. As a Fourth of July recognition of veterans’ service, the VA should do the right thing.”

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July 2, 2008

The Honorable James B. Peake
Secretary of Veterans Affairs
Department of Veterans Affairs

The Honorable Michael J. Kussman, MD
Under Secretary for Health
Veterans Health Administration

810 Vermont Ave NW
Washington, DC 20420

Dear Secretary Peake and Under Secretary Kussman:

As state officials with responsibility for administering and enforcing Connecticut’s elections law, we request your assistance in accessing Veterans Health Administration (VHA) facilities in our state for purposes of distributing voter registration materials and instructing residents on the use of newly-implemented voting machines.

The Secretary of the State was recently blocked from access by local VHA officials, who have subsequently stated that the request remains under review. We seek your timely assurance within the next 10 days that the Secretary's request and other similar requests by state and local election officials will be granted. Also, as this episode demonstrates, the VHA must clarify its policy to ensure that election officials across the country be permitted to assist our nation's heroes in exercising the very democratic rights that they have sacrificed so much to preserve.

On June 19, 2008 and again on June 27, 2008, the Secretary of the State contacted local VHA officials by letter requesting that she be permitted to visit both inpatient and outpatient VHA facilities in the State to distribute voter registration materials and to educate veterans about significant changes in Connecticut's electoral process, including the implementation of new voting technology intended to assist disabled voters. The Secretary of the State routinely provides such outreach and education to voters across Connecticut.

As is the case with all official voter outreach efforts conducted by the Office of the Secretary of the State or by municipal registrars of voters, the anticipated outreach sessions were to be strictly nonpartisan. In addition, the Secretary of the State and her staff were -- and remain -- eager to work with VHA officials to avoid disruption and minimize any impositions on VHA employees. Nevertheless, an official of the West Haven Veterans Center, located in West Haven, Connecticut, initially denied the Secretary of the State's request without explanation. Subsequently, on Monday, June 30, 2008, we were advised in an email from Roger Johnson, Director of the Connecticut VA Healthcare System, that the Secretary's request has been forwarded for higher level consideration within the VHA, but that local VHA officials are now inclined to grant it.

While we have not received a written explanation for the initial denial, it is our understanding that it was based on VHA Directive 2008-025 ("the Directive"), issued May 5, 2008. The Directive provides in relevant part:

"It is VHA policy to assist patients to seek to exercise their right to register and vote; however, due to Hatch Act (Title 5 United States Code (U.S.C.) §§ 7321-7326) requirements and to avoid disruptions to facility operations, voter registration drives are not permitted."

Unfortunately, as evidenced by the contradictory and confusing responses we have received in response to the Secretary's request, the Directive fails to provide local VHA officials with clear guidance on its scope or proper application. We understand that the Directive has been interpreted and applied to prohibit only *partisan* voter registration activities by private organizations and/or activities that are disruptive or require VHA employees to engage in partisan political activities in the workplace.¹ The Directive should not be construed to bar nonpartisan voter registration and education activities conducted by state and local election officials in furtherance of their official duties, which

¹ While we share the concerns of those who have criticized the VHA's restrictions on partisan voter registration activities in VHA as potentially violative of First Amendment rights, those concerns are beyond the scope of this letter.

pose no significant risk of partisanship, disruption or violation of the Hatch Act.² To prohibit such access would be detrimental to both veterans and the state and local election officials who seek to assist them, while serving no valid institutional objectives of the VHA.

We respectfully request that you instruct officials with responsibility for the administration of VHA facilities located in Connecticut that they immediately grant the Secretary's request so that she may provide assistance to veterans without further delay. In addition, we request that you amend the Directive to clarify that nonpartisan voter registration and voter education activities conducted by state and local election officials pursuant to their official duties are permissible in all VHA facilities.

We respectfully request that you authoritatively address these concerns no later than July 17, 2008. This expedited response is necessary because of the imminent deadlines for voter registration, and the need for timely education and enrollment.

Thank you for your consideration. Please do not hesitate to contact us if we can provide any further information.

Very truly yours,

SUSAN BYSIEWICZ
SECRETARY OF THE STATE

RICHARD BLUMENTHAL
ATTORNEY GENERAL

² We note that the Directive specifically defines "non-partisan voter resources" to include, among other things, "[l]ocal, county Government voter registrars." See Directive at 2.